

prosecute violent acts motivated by bias and hate and complement existing federal law by providing new authority for crimes where the victim is intentionally selected because of his or her gender, gender identity, sexual orientation, or disability. Under current law, the Justice Department can only prosecute crimes motivated by the victim's race, religion, or national origin when that person is engaged in a federally protected activity, such as voting. Legislative proposals, such as the Local Law Enforcement Hate Crime Prevention Act of 2007 (LLEHCPA) and others, however, would permit federal prosecution of hate crimes irrespective of whether they were committed while the victim was engaged in protected activity.

Removing this outmoded jurisdictional barrier to federal prosecution of hate crimes is critical to protecting our citizens' fundamental civil rights. In 2005, the most recent figures available, the FBI documented 7,163 crimes reported from 12,417 law enforcement agencies across the country. Yet, it is not the frequency or number of hate crimes, alone, that distinguish these acts of violence from other crimes. Rather, our experiences as prosecutors have shown us, that these crimes can have a special impact on victims, their families, their communities and, in some instances, the nation. Indeed, in *Wisconsin v. Mitchell*, 508 U.S. 47 (1993), Chief Justice William Rehnquist wrote for a unanimous Supreme Court in upholding the constitutionality of enhanced penalties for crimes motivated by bias or hate against a person because of race, religion, color, disability, sexual orientation, national origin or ancestry. In so ruling, the Court recognized that "bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest." Hate crimes have led to the polarization of communities, increases in security needs at schools and churches, declines in property values and the creation of an overall atmosphere of fear and distrust. All too often that climate has hindered the efforts of local law enforcement and placed the lives of police officers and civilians in jeopardy.

As the chief legal and law enforcement officers of our respective states, we are mindful that the overwhelming majority of criminal cases should be brought by local police and prosecutors at the state level. However, in those rare situations in which local authorities are unable to act, measures such as the LLEHCPA and others provide a backstop to state and local law enforcement by allowing federal involvement if it is necessary to provide a just result. These measures would provide invaluable tools to federal law enforcement to help state authorities in their fight against hate crimes. Therefore, we strongly urge the passage of important hate crimes legislation by the 110th Congress.

Sincerely,

Lisa Madigan, Attorney General of Illinois; Mark Shurtleff, Attorney General of Utah; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Richard Blumenthal, Attorney General of Connecticut; Linda Singer, Attorney General of District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Mark J. Bennett, Attorney General of Hawaii; Tom Miller, Attorney General of Iowa; Gregory D. Stumbo, Attorney General of Kentucky; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine; Douglas Gansler, Attorney General of Maryland.

Martha Coakley, Attorney General of Massachusetts; Lori Swanson, Attorney General of Minnesota; Jeremiah W.

Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Catherine Cortez Masto, Attorney General of Nevada; Gary King, Attorney General of New Mexico; Andrew Cuomo, Attorney General of New York; Marc Dann, Attorney General of Ohio; Hardy Myers, Attorney General of Oregon; Patrick Lynch, Attorney General of Rhode Island; William H. Sorrell, Attorney General of Vermont; Vincent Frazier, Attorney General of Virgin Islands; Rob McKenna, Attorney General of Washington.

Let me also say, Mr. Speaker, that I stand by this rule. We are talking about life and death issues here. We are talking about people's civil rights. And, unfortunately, I think it is clear that there are some on the other side of the aisle who oppose the expansion of civil rights protections for threatened groups living in the United States, and I believe they are flat wrong. But this gives the Members, every Member of the House, the opportunity to vote up or down on whether or not they believe that we should expand protections. I think this is an appropriate rule, and I strongly support the underlying bill.

Mr. Speaker, at this time, I would like to yield 3 minutes to the distinguished gentlewoman from Florida (Ms. CASTOR), a member of the Rules Committee.

Ms. CASTOR. I thank my distinguished colleague from the Rules Committee.

Mr. Speaker, I rise in strong support of the Hate Crimes Prevention Act. In doing so, I join with the majority of Americans and law enforcement agencies who understand that violent acts fueled by bigotry and hatred of a particular group simply because of who they are has no place in America.

H.R. 1592, and this rule, strengthens and broadens protections for our neighbors for attacks based on disability, gender, and sexual orientation. This bill provides local law enforcement with tools needed to partner with our Federal law enforcement agencies to investigate and prosecute these hateful acts.

Why is it needed? Well, unfortunately, in my area of Florida, bigoted crimes are on the rise. This week police arrested and charged two Pinellas County teenagers after they spray-painted anti-Semitic and racial slurs on nine portable classrooms at a local high school.

Last month, a Polk County man was stabbed to death for being gay.

Also last month, the Islamic Education Center of Florida in Tampa was set on fire, and thousands of my neighbors were left without a place to hold religious services.

Last year, two men in neighboring Polk County were jailed on hate crime charges after they threw beer bottles at a club owner in Tampa, who happened to be speaking Arabic, and threatened to kill him.

According to my local State attorney general's offices, 334 hate crimes were

reported in Hillsborough and Pinellas Counties in 2004, up from 275 in 2003. Fifty-two of those hate crimes were motivated by sexual orientation in 2004.

Nationwide, victims of hate crimes have reported an average of 191,000 hate crime incidents since the year 2000.

This bill says that we as Americans do not stand for violent acts upon our neighbors based upon who they are; we will not tolerate terrorism against any group of people; and we will provide our local law enforcement agencies with the tools needed to prosecute you when you use violence to spread fear and hate.

Members, I urge you to pass this important bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from California (Mr. DANIEL E. LUNGREN), a member of the Judiciary Committee, but more importantly, a former attorney general for the State of California.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise in opposition to this rule.

Let's understand what this is. This is a closed rule suggesting that this is a perfect bill. This is anything but a perfect bill. People ought to understand that we are denied the opportunity to present a single amendment on this floor, and let me explain to my colleagues the single amendment I wish to bring to the floor.

This bill defines hate crimes to include a number of different subjects. One of them is a crime committed against someone where the hate was motivated by hatred for their sexual orientation. "Sexual orientation" appears as an undefined term in the bill.

I offered a simple amendment to define sexual orientation as it is noted in the U.S. Code, the only specific reference to a definition in the U.S. Code, which is a note that is a footnote in the statute which directs the Sentencing Commission to take into consideration hate motivation when they want to enhance penalties. There is no statutory definition of it, however, with respect to the crime itself. And that note refers to sexual orientation simply as consensual homosexual or heterosexual conduct.

Now, why would they not allow us to have that simple amendment, which when we discussed it in committee, I was told that is what they meant the bill to be? The chairman of the committee said to me it sounded like a reasonable amendment because that's exactly what they intended it to be. So why don't we have the opportunity to offer this amendment on the floor? I do not know.

And why would I be concerned about a failure for us to define this term? Because if you use the term "sexual orientation" and use the definition found in the dictionary of those two words, it means any orientation of sexual conduct. Now, why would I be concerned, being a former attorney general of the